

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DISABILITY SUPPORT ALLIANCE, on
behalf of its members; and SCOTT
SMITH,

Plaintiffs,

v.

GELLER FAMILY LIMITED
PARTNERSHIP III,

Defendant.

Case No. 15-cv-03714-JNE-JJK

**DEFENDANT'S MOTION TO
DISMISS PLAINTIFFS' COMPLAINT,
OR ALTERNATIVELY, TO STRIKE
COUNTS II AND III OF PLAINTIFFS'
COMPLAINT**

Defendant Geller Family Limited Partnership III moves the Court for the following relief:

1. An Order dismissing in its entirety the Complaint of Plaintiffs Disability Support Alliance and Scott Smith, for failing to state a claim against Defendant, based on Plaintiffs' lack of standing to pursue this action and for the Court's inability to provide Plaintiffs any form of relief under the Americans with Disabilities Act, 42 U.S.C. § 12181, *et seq.*, or Plaintiffs' supplemental state-law claims under 28 U.S.C. § 1367(a);
2. Alternatively, striking Plaintiffs' Second and Third Causes of Action as failing to state plausible claims against Defendant; and
3. Awarding Defendant its reasonable attorneys' fees and costs in preparing this Motion; and
4. Awarding Defendant any other relief that the Court deems appropriate.

This Motion is based on Federal Rules of Civil Procedure 12(b)(6) and 12(f), as well as the arguments and authorities to be presented in Defendant's Memorandum of Law, the Declarations submitted in support of this Motion, and any oral argument the Court permits.

Respectfully submitted,

Dated: October 23, 2015

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s/ Edward P. Sheu

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